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STATUTORY INSTRUMENTS

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**2023 No. 1394**

**The Vehicle Emissions Trading Schemes Order 2023**

**Part 8**

Revocation, amendment and saving of EU Regulations relating to CO<sub>2</sub> emission limits

**Partial revocation and amendment of [Regulation \(EU\) 2019/631](#)**

**110.**—(1) Article 2(4), Articles 4, 5, 6, 7, 7a, 8, 9, 10, and 14 of, and Annexes 1 to 5 to, [Regulation \(EU\) 2019/631](#) are revoked in relation to Great Britain, subject to the savings in [article 116](#).

(2) [Regulation \(EU\) 2019/631](#) is amended as follows.

(3) In Article 1 (subject matter and objectives)—

- (a) in paragraph 1, after “new light commercial vehicles” insert “registered in Northern Ireland”;
- (b) in paragraph 2—
  - (i) in both places where it occurs, for “United Kingdom fleet-wide” substitute “Northern Ireland fleet-wide”;
  - (ii) for “in the United Kingdom” substitute “in Northern Ireland”;
  - (iii) omit the words “in domestic law, and as that Regulation has effect”;
- (c) in paragraphs 4 and 5, in each place where it occurs, for “United Kingdom fleet-wide” substitute “Northern Ireland fleet-wide”;
- (d) at the end insert—

“(8) This Regulation establishes an application process for the approval of CO<sub>2</sub> savings to be achieved through the use of innovative technologies, or a combination of innovative technologies, fitted to new passenger cars or new light commercial vehicles registered in the United Kingdom.”.

(4) In Article 2 (scope)—

(a) for paragraph 1 substitute—

“(1) This paragraph and paragraphs 2, 3 and 5 of this Article, and Articles 1, 3, 11, 12, 13, 15, 17, 18 and 19 of this Regulation apply to the whole of the United Kingdom. Those paragraphs and Articles apply to the following vehicles—

- (a) category M1 as defined in Article 4 of [Regulation \(EU\) 2018/858](#), as it has effect in domestic law (in respect of vehicles with GB type-approval), or, where relevant, Article 4 of [Regulation \(EU\) 2018/858](#) as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (in respect of vehicles with UK (NI) type-approval or EU type-approval) (“passenger cars”), which are registered in the United Kingdom for the first time and which have not previously been registered outside the United Kingdom (“new passenger cars”);

(b) category N1 as defined in Article 4 of [Regulation \(EU\) 2018/858](#), as it has effect in domestic law (in respect of vehicles with GB type-approval), or, where relevant, Article 4 of [Regulation \(EU\) 2018/858](#) as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (in respect of vehicles with UK (NI) type-approval or EU type-approval), with a reference mass not exceeding 2 610 kg, and vehicles of category N1 to which type-approval is extended in accordance with Article 2(2) of [Regulation \(EC\) No 715/2007](#) (“light commercial vehicles”), as it has effect in domestic law (in respect of vehicles with GB type-approval) or, where relevant, as that Regulation has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (in respect of vehicles with UK (NI) type-approval or EU type-approval), which are registered in the United Kingdom for the first time and which have not previously been registered outside the United Kingdom (“new light commercial vehicles”). In the case of zero-emission vehicles of category N with a reference mass exceeding 2 610 kg or 2 840 kg, as the case may be, they shall, from 1 January 2025, for the purposes of this Regulation and without prejudice to [Regulation \(EU\) 2018/858](#) and [Regulation \(EC\) No 715/2007](#), as those Regulations have effect in domestic law (in respect of vehicles with GB type-approval) and, where relevant, as those Regulations have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (in respect of vehicles with UK (NI) type-approval or EU type-approval), be counted as UK light commercial vehicles falling within the scope of this Regulation if the excess reference mass is due only to the mass of the energy storage system.”;

(b) after paragraph 1 insert—

“(1A) This paragraph and paragraphs 2A, 4 and 5A of this Article, and Articles 4, 5, 6, 7, 7a, 8, 9, 10 and 14 of, and Annexes 1 to 5 to, this Regulation apply in relation to Northern Ireland only. Those paragraphs, Articles and Annexes apply to the following vehicles—

(a) category M1 as defined in Article 4 of [Regulation \(EU\) 2018/858](#), as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol (“NI passenger cars”) which are registered in Northern Ireland for the first time and which have not previously been registered outside Northern Ireland (“new NI passenger cars”);

(b) category N1 as defined in Article 4 of [Regulation \(EU\) 2018/858](#), as it has effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol, with a reference mass not exceeding 2 610 kg, and vehicles of category N1 to which type-approval is extended in accordance with Article 2(2) of [Regulation \(EC\) No 715/2007](#) (“NI light commercial vehicles”), which are registered in Northern Ireland for the first time and which have not previously been registered outside Northern Ireland (“new NI light commercial vehicles”). In the case of zero-emission vehicles of category N with a reference mass exceeding 2 610 kg or 2 840 kg, as the case may be, they shall, from 1 January 2025, for the purposes of this Regulation and without prejudice to [Regulation \(EU\) 2018/858](#) and [Regulation \(EC\) No 715/2007](#), as those Regulations have effect in EU law as amended from time to time and by virtue of the Northern Ireland Protocol, be counted as NI light commercial vehicles falling within the scope of this Regulation if the excess reference mass is due only to the mass of the energy storage system.”;

(c) at the beginning of paragraph 2 for “A” substitute “For the purposes of paragraph 1, a”;

(d) after paragraph 2 insert—

- “(2A) For the purposes of paragraph 1A, a previous registration outside Northern Ireland made less than three months before registration in Northern Ireland shall not be taken into account.”;
- (e) in paragraph 5 for “This Regulation” substitute “Paragraph 1”;
- (f) after paragraph 5 insert—
- “(5A) Paragraph 1A shall not apply to any vehicle registered in Northern Ireland which is permanently removed from Northern Ireland within three months after that registration.”;
- (g) omit paragraph 6.
- (5) In Article 3(1) (definitions)—
- (a) in point (g) (definition of “mass in running order”) omit “in point 2.6 of Annex 1 to Commission Implementing [Regulation \(EU\) 2020/683](#), as it has effect in domestic law, or, as the case may be,”;
- (b) in point (i) (definition of “footprint”) omit “points 2.1 and 2.3 of Annex 1 to Commission Implementing [Regulation \(EU\) 2020/683](#), as it has effect in domestic law or, as the case may be,”;
- (c) in point (k) (definition of “United Kingdom fleet-wide target”)—
- (i) for “United Kingdom fleet-wide” substitute “Northern Ireland fleet-wide”;
- (ii) for “all new passenger cars or all new light commercial vehicles” substitute “all new NI passenger cars or all new NI light commercial vehicles”;
- (d) in point (l) (definition of “test mass”) omit “point 3.2.25 of Annex XXI to [Regulation \(EU\) 2017/1151](#), as it has effect in domestic law or, as the case may be,”;
- (e) after point (p) insert—
- “(pa) “NI passenger cars” and “new NI passenger cars” have the meanings given in Article 2(1A)(a);
- (pb) “NI light commercial vehicles” and “new NI light commercial vehicles” have the meanings given in Article 2(1A)(b).”.
- (6) In Article 7 (monitoring and reporting of average emissions)—
- (a) in paragraph 1—
- (i) for “each new passenger car and each new light commercial vehicle” substitute “each new NI passenger car and each new NI light commercial vehicle”;
- (ii) for “the United Kingdom”, in both places where it occurs, substitute “Northern Ireland”;
- (iii) for “passenger cars” substitute “NI passenger cars”;
- (iv) omit “as it has effect in domestic law, or as the case may be,”;
- (b) in paragraph 4 for “new passenger cars and of new light commercial vehicles” substitute “new NI passenger cars and of new NI light commercial vehicles”;
- (c) in paragraph 11, in both places where it occurs, omit “in domestic law or, as the case may be, as that Regulation has effect”.
- (7) In Article 8 (excess emissions premium), in paragraph 2, for “new passenger cars or new light commercial vehicles” substitute “new NI passenger cars or new NI light commercial vehicles”.
- (8) In Article 9 (publication of performance of manufacturers)—

- (a) in paragraph 1, in each place where it occurs, for “all new passenger cars and new light commercial vehicles registered in the United Kingdom” substitute “all new NI passenger cars and new NI light commercial vehicles registered in Northern Ireland”;
  - (b) in paragraph 3(a) for “United Kingdom fleet-wide” substitute “Northern Ireland fleet-wide”.
- (9) In Article 10(4) (derogations for certain manufacturers), in point (c), omit “in domestic law or, as the case may be, as that Regulation has effect”.
- (10) In Article 11 (eco-innovation), in paragraph 1—
- (a) for “average specific emissions of CO<sub>2</sub> of a manufacturer” substitute “CO<sub>2</sub> emissions of a new passenger car or a new light commercial vehicle”;
  - (b) for “average specific emissions of CO<sub>2</sub> of manufacturers” substitute “CO<sub>2</sub> emissions of new passenger cars or new light commercial vehicles”.
- (11) In Article 15 (review and report), in paragraph 3—
- (a) for “United Kingdom fleet-wide” substitute “Northern Ireland fleet-wide”;
  - (b) for “passenger cars and light commercial vehicles” substitute “NI passenger cars and NI light commercial vehicles”.
- (12) In Part A of Annex 1 (specific emissions targets for passenger cars)—
- (a) in point 4 for “mass in running order (M) of the new passenger cars” substitute “mass in running order (M) of the new NI passenger cars”;
  - (b) in point 6—
    - (i) in each place where it occurs, for “United Kingdom fleet-wide” substitute “Northern Ireland fleet-wide”;
    - (ii) in each place where it occurs, for “registered in 2021” substitute “registered in the United Kingdom in 2021”;
    - (iii) in point 6.0, for “registered in 2020” substitute “registered in the United Kingdom in 2020”;
    - (iv) in point 6.3, for “new passenger cars registered in the relevant calendar year” substitute “new NI passenger cars registered in the relevant calendar year”.
- (13) In Part B of Annex 1 (specific emissions targets for light commercial vehicles)—
- (a) in each place where it occurs, for “United Kingdom fleet-wide” substitute “Northern Ireland fleet-wide”;
  - (b) in each place where it occurs, for “registered in 2021” substitute “registered in the United Kingdom in 2021”;
  - (c) in point 4, for “mass (M) of the new light commercial vehicles” substitute “mass (M) of the new NI light commercial vehicles”;
  - (d) in point 6.0, for “registered in 2020” substitute “registered in the United Kingdom in 2020”;
  - (e) in point 6.2.1, for “registered in the relevant calendar year” substitute “registered in Northern Ireland in the relevant calendar year”;
  - (f) in point 6.3.1, in each place where it occurs, for “new light commercial vehicles” substitute “new NI light commercial vehicles”;
  - (g) in point 6.3.2, in each place where it occurs, for “new light commercial vehicles” substitute “new NI light commercial vehicles”.
- (14) In Part A of Annex 2 (collection of data on new passenger cars and determination of CO<sub>2</sub> emissions monitoring information)—

- (a) in the heading, for “new passenger cars” substitute “new NI passenger cars”;
  - (b) in point 1—
    - (i) for “new passenger car” substitute “new NI passenger car”;
    - (ii) for “the United Kingdom” substitute “Northern Ireland”;
  - (c) in point 2 for “passenger car” substitute “NI passenger car”;
  - (d) in point 3—
    - (i) in point 3(a) for “new passenger cars subject to GB type-approval, UK (NI) type-approval” substitute “new NI passenger cars subject to UK (NI) type-approval”;
    - (ii) in point 3(b) for “passenger cars” substitute “NI passenger cars”;
    - (iii) in point 3(c) omit “GB type-approval of small series and”.
- (15) In Part B of Annex 2 (format for the transmission of data)—
- (a) omit “GB type-approval,”;
  - (b) omit “GB type-approval of small series and”.
- (16) In Part A of Annex 3 (collection of data on new light commercial vehicles and determination of CO<sub>2</sub> emissions monitoring information)—
- (a) in the heading, for “new light commercial vehicles” substitute “new NI light commercial vehicles”;
  - (b) in point 1.1, in the words before point (a)—
    - (i) omit “GB type-approved,”;
    - (ii) for “new light commercial vehicle” substitute “new NI light commercial vehicle”;
    - (iii) for “the United Kingdom” substitute “Northern Ireland”;
  - (c) in point 1.1(q) omit “in domestic law or, as the case may be, as that Regulation has effect”;
  - (d) in point 1.2.1.2, omit “in domestic law or, as the case may be, as that Regulation has effect”;
  - (e) in point 1.2.2, in both places where it occurs, omit “in domestic law or, as the case may be, as that Regulation has effect”;
  - (f) in point 1.2.4, in both places where it occurs, omit “in domestic law or, as the case may be, as that Regulation has effect”;
  - (g) in point 1.2.4, omit “GB type-approval,”;
  - (h) in point 2, for “light commercial vehicle” substitute “NI light commercial vehicle”;
  - (i) in point 3—
    - (i) in each place where it occurs, for “new light commercial vehicles” substitute “new NI light commercial vehicles”;
    - (ii) omit “GB type-approval,”;
    - (iii) omit “GB type-approval of small series and”.
- (17) In Part B of Annex 3 (methodology for determining CO<sub>2</sub> monitoring information for new light commercial vehicles)—
- (a) in each place where it occurs, including the heading and cross-heading, for “new light commercial vehicles” substitute “new NI light commercial vehicles”;
  - (b) in point 1—
    - (i) for “the United Kingdom” substitute “Northern Ireland”;
    - (ii) omit “GB type-approval,”;
    - (iii) omit “GB type-approval of small series and”.

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- (18) In Part C of Annex 3 (formats for transmission of data)—
- (a) in Section 1—
    - (i) omit “GB type-approval,”;
    - (ii) omit “GB type-approval of small series and”;
  - (b) in Section 2, in note (2) omit “GB type-approval of small series or”.